

### **REMARKS/ARGUMENTS**

This response, and the associated request for continued examination, is submitted in reply to the Office Action dated December 7, 2010. Claims 1-21 and 25-27 currently stand rejected. As explained below, however, Applicants respectfully submit that the claimed invention is patentably distinct from the cited references, taken individually or in any proper combination. Nonetheless, Applicants have amended various ones of the claims to clarify the claimed invention and added new claims 28-30. In view of the amendments and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

#### **A. The Objections to Claims 1, 2, 9, 11, 12, 19 and 21 are Overcome.**

The Office Action objects to claims 1, 2, 9, 11, 12, 19, and 21 for various informalities. Applicants have amended the claims in accordance with the suggestions provided in the Office Action to overcome the objections.

#### **B. Claims 1, 2, 7, 10-14, 17, 20, and 21 are Definite.**

Claims 1, 2, 7, 10-14, 17, 20, and 21 currently stand rejected under 35 U.S.C. § 112, second paragraph for allegedly being indefinite for various informalities. Applicants have amended claims 1, 2, 7, 10-14, 17, 20, and 21 or related claims to overcome the rejections as indicated in the Amendments to the Claims section included above. As a result of the various amendments to the claims, the rejection of claims 1, 2, 7, 10-14, 17, 20, and 21 for being indefinite is overcome.

#### **C. Claims 1, 11, 21, 23, and 25-27 are Novel.**

Claims 1, 11, 21, 23, and 25-27 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application No. 2003/015039 to Roberts. However, Roberts fails to teach each and every feature of the claimed invention as arranged in the claims.

Independent claim 1, and similarly independent claims 11 and 21, recite the feature "the data packets including at least one flow parameter, wherein the at least one flow parameter includes a flow identifier, and wherein the flow parameters indicate an associated flow charging policy for the data flow." Roberts fails to teach or suggest this feature of the claimed invention, and, in particular, Roberts fails to teach or suggest the inclusion of a flow identifier as a flow

parameter, where the flow parameters indicate a flow charging policy that is applied to a data flow to generate charging information for the data flow.

In contrast to the claimed invention, Roberts describes interactions at the packet level, rather than at the data flow level. Roberts explains this distinction at paragraph 21, where it states:

[C]harging information is achieved via analysis of packets.... This is coordinated with the service being accessed via configuring rules based on the destination of the service as described by URL or IP address and port number of the server. Further discrimination can be applied via the protocol being used if required. Since this knowledge is provisioned into the system, the specific destination can be used to determine charging without recourse to other systems....

Further, at paragraph 28, Roberts describes the operation of a packet analyzer within the system. In this regard, Roberts states that a real-time in-line packet analyzer manages the "usage based aspects of the tariff regime" and determines "the price of any particular packets." Additionally, the content of claim 1 of Roberts reiterates the packet-based scheme of Roberts. In this regard, claim 1 recites "providing a set of rules, and determining from said rules and each packet address, a respective billing tariff and account **for that packet.**"

Based at least on these excerpts, it becomes clear that Roberts is handling charging on a packet-by-packet basis using a destination address. As such, Roberts does not disclose, and the system of Roberts would be incompatible with, the use of a flow identifier within the packets for identifying a flow, and facilitating implementation of a charging policy at the flow level. A solution in accordance with the teachings of Roberts would have no purpose for a flow identifier as recited in the independent claims, because the billing tariff implemented by Roberts is applied at the packet level.

The independent claims are further differentiated from Roberts due to the interactions that are recited with respect to flow-based operations. In this regard, claim 1, and similarly the other independent claims, recite "detecting the data flow from flow parameters included in the data packets; mapping the data packets to the data flow in accordance with the at least one flow parameter included in a respective data packet; matching the data flow to the charging policy; and applying said charging policy to said data flow to generate charging information." In other words, the claims describe the detection of a data flow, the mapping of packets to the detected

flow, the matching of the flow to a charging policy, and the application of the charging policy to the data flow to generate charging information.

As such, unlike the packet-based billing tariff disclosed in Roberts, the charging policy of the claims is applied to the data flow. Roberts fails to disclose anything akin to mapping packets to flow for the purpose of applying a charging policy to the data flow, because Roberts is performing packet-based billing. Flow-based billing, as recited in the claims, utilizes a charging policy that is defined and applied at the data flow level, as indicated by "said charging policy defines charging rules for the data flow," which is recited in the independent claims. Again, since Roberts discloses a mechanism for packet-based charging, Roberts fails to describe the implementation of a charging policy applied to a data flow that is distinguishable by a set of flow parameters including a flow identifier as recited in the independent claims.

Due to these insufficiencies of Roberts as an anticipatory reference, the rejections of claims 1, 11, 21, 23, and 25-27 are overcome. Claims 1, 11, 21, 23, and 25-27 are therefore patentable over Roberts.

**D. Claims 2-10 and 12-20 are Nonobvious.**

Dependent claims 2-10 and 12-20 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roberts in view of various combinations with U.S. Patent No. 7,002,977 to Jogalekar, U.S. Patent No. 7,185,073 to Gai, U.S. Patent No. 7,369,541 to Hundescheidt, U.S. Patent Application No. 2002/0013849 to Schweitzer, and U.S. Patent Application No. 2002/0122432 to Chaskar. However, the combination of Roberts with these other references fails for the same reasons as submitted above, because the other cited references do not cure the deficiencies of Roberts, and the other references are not cited for this purpose. Further, it would not be obvious to one of skill in the art to modify the combinations with Roberts to cure the deficiencies.

Accordingly, the rejections of claims 2-10 and 12-20 are overcome, and claims 2-10 and 12-20 are patentable.

**E. New Claims 28-30 are Patentable**

Applicants have added new claims 28-30 to clarify further aspects of the claims. The new claims include no new matter and are fully supported by the specification and the drawings of the

Appl. No.: 10/528,402  
Amdt. dated 05/07/2010  
Reply to Office Action of 12/07/2010

present application at least at paragraph 55 of the published application. Claims 28-30 are dependant from respective claims 1, 11, and 21, and therefore are patentable for at least the same reasons as provided for claims 1, 11, and 21 above, as well as for including additional features not taught or suggested by the cited references, taken either individually or in proper combination.

Accordingly, it is believed that new claims 28-30 are in condition for allowance.

### **CONCLUSION**

In view of the amendments and remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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LEGAL02/31723200v2

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON May 7, 2010.